

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: June 21, 2006  
Bulk Item: Yes XX No     

Division: County Attorney  
Staff Contact Person: Pedro Mercado

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**AGENDA ITEM WORDING:**

Approval of settlement agreement in code enforcement lien case of Monroe County v. Island Preschool.

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**ITEM BACKGROUND:**

Island Preschool, Inc. located on Key Largo was cited by Code Enforcement on 8/26/03 for violation of County Code 9.5-111 Building Without a Permit when it was found that they had constructed a large addition without benefit of a permit. During a hearing held on September 29, 2004, Island Preschool was found to be in violation and compliance was set for March 24, 2005; thereafter a fine of \$200 per day was imposed beginning March 31, 2005. The property was brought into compliance on September 23, 2005 at which time the fines and costs totaled \$35,300. Although we have traditionally settled fines at ten percent of the total, due to the length of time it took for the violator to bring the property into compliance, staff recommends that the case be settled for 20 percent of the total fines and costs which is \$7,060.00.

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**PREVIOUS RELEVANT BOCC ACTION:**

None.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval

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**TOTAL COST:** N/A

**COST TO COUNTY:** N/A

**BUDGETED:** Yes      No     

**SOURCE OF FUNDS:**                                 

**REVENUE PRODUCING:** Yes XX No      **AMOUNT PER MONTH**                     

**APPROVED BY:** County Atty      OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

 6/6/06  
SUZANNE A. HUTTON, COUNTY ATTORNEY

**DOCUMENTATION:** Included XX Not Required     

**DISPOSITION:**                                         

**AGENDA ITEM #**

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER  
OF MONROE COUNTY, FLORIDA  
The Honorable J. Jefferson Overby, Presiding**

**MONROE COUNTY, FLORIDA**

**Petitioner,**

**vs.**

**CASE NO.: CE03080354**

**ISLAND PRESCHOOL, INC.,  
Respondent**

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**SETTLEMENT AGREEMENT**

The Petitioner, Board of County Commissioners of Monroe County and Island Preschool, Inc., Respondent, hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent as follows:

1. The parties agree to settle the code enforcement lien for \$7,060.00.
2. The property in question has a legal description of BK 2, LT 3 ANGLERS PARK SHORES, KEY LARGO, MONROE COUNTY, FLORIDA (RE#:00468750-000000).
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent shall remit a check in the amount of \$7,060.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent a release and satisfaction of said lien for filing by the Respondent in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it

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might have been able to raise as a result of the above-captioned code enforcement case.

7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

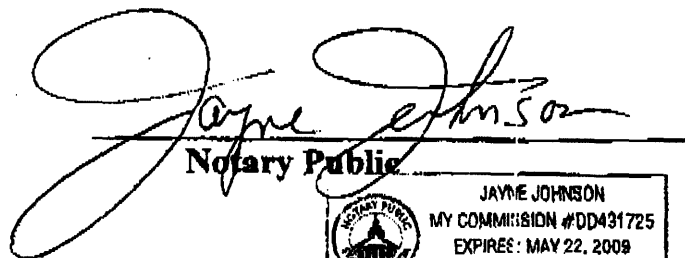
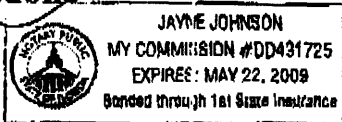
**ATTEST:**  
**DANNY L. KOLHAGE**  
**CLERK:**

**BOARD OF COUNTY COMMISSIONERS**  
**OF MONROE COUNTY**

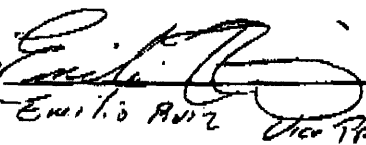
By: \_\_\_\_\_  
**Deputy Clerk**

By: \_\_\_\_\_  
**Charles "Sonny" McCoy, Mayor**

Dated \_\_\_\_\_

  
Notary Public  


Island Prescriptions Respondent

By:  6/5/06  
Emilio Ruiz Vice President (date)

**This document was approved as to form by:**

\_\_\_\_\_  
**Pedro J. Mercado, Esq.**  
**Assistant County Attorney**  
**Florida Bar No.: 0084050**  
**P.O. Box 1026**  
**Key West, FL 33041-1026**  
**(305) 292-5046**